

Regular Pickens County Council Meeting  
October 19, 2015  
6:30 PM

County Council met in regular session, in the Auditorium, County Administration Facility, with Chairman Jennifer Willis presiding. Agendas, bearing date, time, and location of meeting were mailed to Council members and local news media on October 14, 2015.

Council Members in attendance:

Jennifer H. Willis, Chairman  
Trey Whitehurst, Vice Chairman  
Tom Ponder, Vice Chairman Pro-Tem  
G. Neil Smith  
Randy Crenshaw  
Ensley Feemster

Staff:

Ralph Guarino, Interim Administrator  
Ken Roper, County Attorney  
Donna Owen, Clerk to Council

**WELCOME AND CALL TO ORDER:**

Chairman Willis called the meeting of October 19, 2015 to order and welcomed those in attendance. Invocation and Pledge of Allegiance was delivered by Vice Chairman Trey Whitehurst.

**UPDATE AS IT RELATES TO FIRE FEES ON VACANT LAND:**

Chairman Willis informed the members of the audience that a special called meeting was held at 5:00 p.m. this afternoon for the purpose of addressing the fire fee issue. Ms. Willis communicated that a resolution and budget amendment had been passed in order to suspend the fire fees on vacant land. The resolution also provides for refunds to citizens who have paid the fee, and new bills to go out without the fee.

Chairman Willis stated she called the special meeting in order to relieve the stress and confusion of this issue. Ms. Willis stated Council was aware of the many problems that had resulted; therefore, Council thought it best to completely start over with the overall process.

**PUBLIC FORUM:**

Chairman Willis opened the floor to the many citizens who have signed up to speak on the fire fee issue. Several citizens spoke to council during the earlier special called meeting after the adjournment. However, many citizens still wanted to speak on the topic.

**Fire Fee on Vacant Land-** Harry Carson, Mary Babb, Ruth Clark, Doug Gaston, Clova Vaughan, Robert Hallock, Sarah Rampey, John Mowbray, Grady Gaston, and Junuis Smith- all citizens discussed the need for more careful review of fees and taxes in general, but informed Council of their concern of fees being enacted on a final reading of the budget, and questioned if was legal to do so. Also pointed out was that many homeowners have purchased or had bequeathed to them land that surround their home, and in some instances they were paying over \$1,000 in fire fees. Some citizens brought up the fact that the fee schedule was unfair. While the citizens were thankful that Council understood their issues, they were critical of the process regarding the fee, funding issues of fire districts, insurance issues, and fire fees that were unfair as it related to mobile homes versus large homes.

Council was sympathetic to the concerns of the citizens. Council discussed how frustrating it is to work with thirteen fire districts that had different fees/millage budgets, and boundaries. The audience was informed about several long-term issues that are facing counties as it relates to district lines, the ISO ratings, equipment and the fact that years ago the fire departments were more of a volunteer organization; whereas, now the departments have paid firemen.

In terms of the fire fee itself, Council members stated to the public that they apologized for the implementation of the fee, and many issues were overlooked and not completely understood. For example, Councilman Neil Smith stated it was never the intent to charge a fee on tracts of land that were contiguous to the home that already paid the district fee. Mr. Smith stated that is why it was very easy to vote to repeal the fee because it is obviously not what was intended. Vice Chairman Trey Whitehurst stated he had issues that the blame should be on staff, as they did not implement the fire fee the way Council had instructed. Tom Ponder disagreed, and stated that he never thought about parcels of land that were right-of-ways or land locked. Mr. Ponder concluded by saying he would admit that he had not thought the process through enough, and was glad that Council had taken action to suspend this issue. Council concurred that they in fact did not realize the impact of the fee until citizens began to call and explain problematic issues with the fee. The fee created various issues and was not limited to one certain area.

In conclusion of the subject, Council stated it made their job easier when citizens did participate by coming to meetings and presented ideas and input. Also, Council hoped that many citizens realized that the elected body does have a responsibility for public safety and there are no easy solutions to many of the fire issues.

*The following citizens had specific areas regarding fire:*

Harry Carson – Mr. Carson stated he was not satisfied with the issues between the county and cities as it relates to fire service. Mr. Carson stated that rural and city have worked fine together in the past. He also asked about master plans and the overall use of funds. Mr. Carson concluded by stating he had become frustrated with most everything he has been reading and hearing about as it relates to Council's inability to communicate and get along with various departments such as the Sheriff's office and administration. Mr. Carson informed the public of (4) council seats up for re-election in March of 2016.

Ted Shehan-Mr. Shehan stated he tried to get the Council to stay with Pickens City for the fire protection. Mr. Shehan stated the fee has increased, and the protection is not as good. Mr. Shehan stated Council should seriously keep their relationships and contracts with the cities.

Billy Grant- Mr. Grant, Chairman of the Easley Rural Fire District, concurred with Mr. Shehan regarding the City and Rural Fire to keep working together.

Councilman Neil Smith asked Mr. Grant why he was representing the City of Easley, when he was appointed by County Council. Mr. Grant stated that it was his understanding that the County Council has decided to not renew the contract with the City of Easley, and he thinks that will not be good for the Rural.

Chairman Willis stated that per the contract, it is necessary to give notice of not renewing. Mr. Smith further stated his frustration of people reading something in the newspaper and deciding this issue without ever talking to Council. Mr. Smith stated there are many items to discuss regarding what is the fair amount of funding for this service-and further asked if it was worth a \$1M?

Mr. Grant stated he was not going to argue the point, and he is clear on what has been said about the contract with the City and Rural, and he wanted to represent the best interest of the fire service.

Chairman Willis halted the discussion as it was not productive to belabor the point when facts are misconstrued.

>>>Before moving forward Ms. Willis did state for people to be sure and read website minutes, and to seek out speaking to their district representatives, and participate in meetings. And not believe what is printed in the newspaper as the source of all the facts.

Councilman Tom Ponder also stated that Mr. Carson was correct, there are 4 seats open for reelection; however, Mr. Ponder stated he would not let this Council be faulted without the citizens knowing the facts that County Council has not raised millage in ten years, the County Airport is self-sustaining; the solid waste and recycling in Pickens County is one of the best programs in the State. The roads and bridges in Pickens County are in better shape than any State Highway. County staff provides services to the citizens of Pickens County every day, and makes an effort to spend wisely to keep from raising millage. Mr. Ponder concluded by stating "this Council has certainly done something right."

### **Public Forum for other Issues:**

Johnelle Raines- Ms. Raines thanked Council for their motion as it relates to the refugee resettlement. Ms. Raines encouraged the citizens of Pickens County to do their homework on this issue. It is not about letting refugees into the United States. It is about the facts that these refugees are not being vetted. It is an unknown if they are a danger to American Citizens. Ms. Raines further stated this is a Federal program that is allowing housing, jobs, and food stamps. Ms. Raines encouraged everyone to contact the State Representatives and the Governor of South Carolina regarding this issue.

Junius Smith- Mr. Smith thanked Ms. Raines for her tenacity on the subject of refugee resettlement. He stated his group was impressed with her ability to educate the public about this issue. And he supported her efforts.

Weldon Clark- Mr. Clark thanked Council for their thoughtfulness for rescinding the fire fees, and their concerns regarding refugees coming into the area. Mr. Clark stated the fire fee on vacant land is something that will require much thought as to how to implement without picking up adjacent properties, landlocked issues and right-of-ways tracts.

Eleanor Hare- Ms. Hare stated to Council that the newspapers say that the Elections office will run out of money for staff the end of February. If there is no money, they cannot hold the primaries in June. When we point out that money has been decreased for the staffing necessary to run elections, the Administrator points out that funds were increased from four years ago, but does not explain that money for staff was decreased, and comparing this year's appropriation to the appropriation four years ago does not mention that four years ago there were three statewide elections, but this year there are four. While the total appropriation was increased, it did not include staff. Specifically, the county cut funding by \$20,000. Ms. Hare stated that during the last Council meeting, Mr. Crenshaw asked if there was a possibility some elections will not be held. The Board of Elections predicts that it will run out of funding in late February. Therefore, when money to pay staff is gone, they will not be able to hold elections scheduled for later in the spring.

### **APPROVAL OF MINUTES:**

Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve the September 21, 2015 and October 12, 2015 minutes as presented.

### **ADMINISTRATOR'S REPORT:**

Mr. Guarino updated the Council on the following.

Elections Budget- Mr. Guarino reiterated again that the budget for the Elections Office was increased to address the needs. Mr. Guarino stated that if the money is used efficiently with staff, as it was in 2012, the funding will be adequate.

Introduction of Emergency Management Director- Mr. Guarino introduced Mr. Tom Howard as the new EMS Director. Mr. Howard has 25 years of experience in EMS and the director for Laurens County S.C. He also was the training officer in the Greenville Health System. Mr. Howard is married to Leslie Howard and they have two sons.

Mr. Guarino stated that Mr. Howard would come forward and award the EMT employee of the year.

EMT of the Year- Mr. Howard thanked Council, and further introduced Ms. Cindy Simmons as the selected EMT of the Year. Mr. Howard stated Ms. Simmons is a lifelong resident of Pickens County and she was selected for this award by her command staff and her peers. Council welcomed Mr. Howard and applauded Ms. Simmons for her award.

**COMMITTEE REPORTS:** Committee of the Whole – October 12, 2015

Chairman Willis gave the following report.

The Committee of the Whole met on October 12, 2015 at 7:05 p.m. (immediately following special called meeting of Council) in the Main Conference Room, Pickens County Administration Facility. Chairman Willis presided with all members of Council in attendance.

Staff:

Ralph Guarino, Interim Administrator  
Ken Roper, County Attorney  
Donna Owen, Clerk to Council  
Gerald Wilson, Public Works Director

| Description |  |  | Action  |
|-------------|--|--|---|
| 35          | Long Range Plan for Economic Development |  | >Committee requested staff to get the data on past borings tests in the park; also to have engineers to move forward and provide bid package/quotes for overall grading for pad-ready sites.<br><br>>approved   |
| 37          | Health Insurance Renewals                |  | >Committee recommends renewals with Blue Choice with no plan design change. Approved life and disability from Hartford to AIG. And for Economy Plan (employee only) for employees to absorb cost of \$25.00 per month.<br><br>>approved   |
| 39          | Tri-County Technical College Building    |  | >Committee approved a letter of support with the intent that funding, final building specifications, and bond information will come back during next year's budget for approval of funds. (Mr. Feemster abstained from the vote)<br><br>>approved with Mr. Feemster abstaining.<br>Mr. Smith did state he would approve the letter, but next year's budget will require much discussion and another vote. |

**COUNCIL CORRESPONDENCE:**

- 1) Vice Chairman Trey Whitehurst stated he has received a resolution from the City of Central regarding the railroad has removed the bridge at Highway 93. The City would like to see access to that area at some point, and may study grants or C-Fund money. Mr. Whitehurst stated he would be placing this in a committee under motion period.

- 2) Mr. Ponder stated that most everyone knew that he had recently been through open heart surgery, and he thanked the citizens of Pickens County for the cards, phone calls, and most of all their prayers during the last few weeks. Mr. Ponder stated he truly knew it was the prayers that got him through this difficult time.

**MOTION PERIOD AND NEW BUSINESS:**

- 1) Vice Chairman Trey Whitehurst moved to add to the Consent agenda the railroad/highway 93 bridge, and send this to the Public Service Committee. Motion was seconded by Councilman Neil Smith and unanimously passed.
- 2) Councilman Neil Smith stated that in committee is an issue regarding the questioning about the County's position on not granting encroachment permits to utilities in situations where the county gained use of the road by prescriptive use (ie not by deeded right of way). Mr. Smith stated in light of so many citizens being in attendance, he would move to pull this item out of Committee and discuss what it is about. Thereby, not reading it incorrectly in the news. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed. (items will be pulled from the COW #41 for discussion)

**REQUEST FROM HOLLY SPRINGS FOR PURCHASE OF CAPITAL EQUIPMENT:**

- Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed to allow the purchase by Holly Springs.

**REQUEST FOR FUNDING FOR POPLAR MOUNTAIN ROAD REPAIR FROM STORM DAMAGE:**

- Motion was made by Councilman Tom Ponder, seconded by Councilman Randy Crenshaw and unanimously passed to fund the damage done to Poplar Mountain Road during the recent rain storm.

**REQUEST FROM TOURISM FOR GRANT APPLICATION FOR SMITHSONIAN EXHIBIT IN PICKENS COUNTY:**

- Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed to apply for the Smithsonian Grant exhibit.

**PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 495 TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH OCONEE COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND TO INCLUDE CERTAIN PROPERTY NOW OR TO BE OWNED BY CASTO OCONEE, LLC OR ITS ASSIGNEE AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS 1976, SECTION 4-1-170 ET SEQ., AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH OCONEE COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX; AND MATTERS RELATED THERETO:**

Chairman Willis opened the floor for the Public Hearing as it relates to Ordinance No. 495. Hearing no comments, the Public Hearing on Ordinance No. 495 was closed.

- Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed that this constitutes a second reading of Ordinance No. 495.

**APPROVAL RESOLUTION NO. 2015-06 AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND**

**BETWEEN PICKENS COUNTY, SOUTH CAROLINA AND WILBERT, INC., ACTING FOR ITSELF, ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS, PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE OF CERTAIN FACILITIES IN THE COUNTY; (2) THE BENEFITS OF A TO BE MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (3) OTHER MATTERS RELATING THERETO:**

- Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve Resolution No. 2015-06 executing the Fee in Lieu for Wilbert, Inc.

**SECOND READING OF ORDINANCE NO. 496 AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND WILBERT, INC., ACTING FOR ITSELF, ONE OR MORE AFFILIATES AND/OR OTHER PROJECT SPONSORS, PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED PAYMENTS IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE EXPANSION OF CERTAIN FACILITIES IN THE COUNTY; (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (3) OTHER MATTERS RELATING THERETO:**

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed that this constitutes a second reading of Ordinance No. 496.

**PRESCRIPTIVE ROAD RIGHTS-AS PULLED FROM THE COMMITTEE OF THE WHOLE:**

Mr. Smith stated the County has a position that the roads that belong to the County by prescriptive right-of-way, only pertain to the road right-of-way. And if a utility company wants to use a right-of-way, then the utility has to obtain that and pay the property owner for that right-of-way. The utility company cannot use the approach that the right-of-way is there for utilities because the only right-of-way is for the road only. Therefore, Mr. Smith moved for Council to reaffirm this position. Motion was seconded by Councilman Ensley Feemster and unanimously passed.

**CONSENT AGENDA:**

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed to approve the consent agenda as amended.  
Administration and Finance-Grant for Sealing Airport Runway  
Public Service Committee – Resolution from the City of Central regarding the bridge removal off highway 93.

**EXECUTIVE SESSION:**

Chairman Willis called for a motion to convene into Executive Session as defined by S.C. Code of Laws, Section 30-4-70 (a). Chairman Willis further stated that each issue would be discussed as the Law provides.

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed to convene in executive session for the stated purposes.

Legal Issues-Section 30-4-70 (a) (2)  
Update on Bond

Contractual Issues- Section 30-4-70 (a) (2)  
Acquisition of Property

Verizon Contract  
Pest Control Contract  
Uniform Contract

Personnel-30-4-70 (a) (1)  
Administrator Candidates  
Recruitment, Clerk to Council Position

Economic Development-30-4-70 (a) (5)

Boards and Commissions - 30-4-70 (a) (1)  
Six Mile Water District  
Water Authority  
Building Code Appeals

**PUBLIC SESSION RECONVENED:**

Chairman Willis called the Public Session back to order and advised the following.

**Legal Issues**-Update on Bond- Council was updated with no action.

**Contractual Issues** – Council was updated regarding acquisition of property with no action, and general contracts were reviewed.

**Personnel**- Council will post the Clerk's position, as the present Clerk has written to Council with her wishes to retire. Council will set dates for interviews of Administrator candidates.

**Boards and Commissions-**

Six Mile Water District-Vice Chairman Trey Whitehurst moved to re-appoint Scott Holder and Charles Stancell to the Six Mile Water District. Motion was seconded by Councilman Neil Smith and unanimously passed.

Water Authority- Vice Chairman Trey Whitehurst moved to re-appoint Harry Wilson to the Water Authority. Motion was seconded by Councilman Neil Smith and unanimously passed.

Building Code Appeals Vice Chairman Trey Whitehurst moved to appoint Chris Elrod, David Simpson, Gil Stewart, Jeff Galloway, Philip Greer, Michael Durham and Ron Ardis to the Building Codes Appeals Board. Motion was seconded by Councilman Neil Smith and unanimously passed.

**ADJOURN:**

Hearing no further Council business, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed. Pickens County Council stood adjourned at 8:45 p.m.

Respectively Submitted:

Approved:

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Donna F. Owen, Clerk to Council

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Jennifer H. Willis, Chairman